

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JONATHAN THOMAS,

Plaintiff,

v.

PNC NATIONAL BANK, NATIONAL
ASSOCIATION INC.,

Defendant.

CIVIL ACTION NO. 5:21-CV-340 (MTT)

ORDER

This case was removed to this Court from the Superior Court of Houston County on September 17, 2021 based on diversity jurisdiction and because a claim under the Fair Credit Reporting Act (“FCRA”) was pled. Doc. 1 at 1. On September 24, Plaintiff Jonathan Thomas, proceeding pro se, filed a response in opposition to removal. Doc. 4. Thomas stated that he recently filed an amended complaint in the Superior Court of Houston County that dropped the FCRA claim and reduced the amount in controversy to less than \$75,000. *Id.* at 4. Thus, according to Thomas, removal is inappropriate. *Id.* at 5. To the extent Thomas seeks leave to file the amended complaint in this Court so that the Court may decide whether jurisdiction is appropriate, that motion is

GRANTED.¹

¹ Of course, because the defendant filed a motion to dismiss on September 24 (Doc. 5), Thomas may amend his complaint as a matter of course by October 15. Fed. R. Civ. P. 15(a)(1) (“A party may amend its pleading once as a matter of course within ... 21 days after service of a motion under rule 12(b).”).

Once Thomas files his amended complaint in this Court, the defendant shall respond to the plaintiff's opposition to removal (Doc. 4) within 14 days.

SO ORDERED, this 28th day of September, 2021.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT